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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/606,478

06/26/2003

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14251US02

5641

23446 7590 04/15/2009
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EXAMINER

RAO, ANAND SHASHIKANT

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

04/15/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/606,478	Applicant(s) BHATIA ET AL.	
	Examiner Andy S. Rao	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 18 and 27-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 18, 27-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Amendment

1. Applicant's arguments with respect to claims 1-16, 18, and 27-29 as filed on 1/08/09 have been considered, but are not persuasive.
2. Claims 10, and 18 remain rejected under 35 U.S.C. 102(e) as being anticipated by Kono et al., (hereinafter referred to as "Kono") in view of Aharoni et al., (hereinafter referred to as "Aharoni"), and further in view of Washino et al., (hereinafter referred to as "Washino"), as was set forth in the Office Action of 9/22/08.
3. Claims 11-16 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Kono et al., (hereinafter referred to as "Kono") in view Aharoni and Washino as applied above to claim 10 and further in view of Wu, as was set forth in the Office Action of 9/22/08.
4. The Applicants present three arguments contending the Examiner's previous rejections of claims 1, 8-10, and 18 rejected under 35 U.S.C. 102(e) as being anticipated by Kono et al., (hereinafter referred to as "Kono") in view of Aharoni et al., (hereinafter referred to as "Aharoni"), and further in view of Washino et al., (hereinafter referred to as "Washino"), and of claims 2-7, 11-16, and 27 under 35 U.S.C. 103(a) as being unpatentable over Kono et al., (hereinafter referred to as "Kono") in view Aharoni and Washino as applied above to claims 1 and 10, and further in view of Wu, said collective rejections being set forth in the Office Action of 9/22/08, and said arguments being presented in support of currently amended claims 1-9 and 27-29 which have now been amended to recite the "...wherein single ones of the decoded images are displayed at a time on the single display..." and previously presented claims 10-18 which are not currently amended. However after a careful consideration of the arguments presented and

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further scrutiny of the applied references, the Examiner must respectfully disagree and maintain the applicability of the references for the reasons that follow.

After summarizing the pending rejection against the previously pending independent claims (Amendment of 1/08/09: page 7, lines 6-30), and delineating the salient features of the currently amended claims now including the "...wherein single ones of the decoded images are displayed at a time on the single display..." limitations (Amendment of 1/08/09: page 8, lines 1-18), the Applicants argue that the Kono-Aharoni-Washino combination which also incorporates established case law would not address the features of the amended claims because Washino's disclosure of "displaying of multiple images on a single display..." teaches away from the amended claims (Amendment of 1/08/09: page 8, lines 19-32) and that the amended claims now distinguish over the Examiner's reliance on case law to show that a duplication of parts for multiplied effect is an obvious modification (Amendment of 1/08/09: page 9, lines 1-7). The Examiner flatly disagrees on both counts. Firstly, the Examiner notes that Washino discloses the dual abilities of "displaying of multiple images on a single display..." as initially established by the previous Office Action and of using a video switcher to display multiple images on a single display one at a time by executing the well known video polling functions (Washino: column 6, lines 50-67; figure 7, element 6) on a single display (Washino: column 5, lines 5-25: second monitor). While the amendment may have made the multiple image display function of Washino irrelevant, it has not removed Washino as a viable reference, nor does it teach away from the added limitation. Washino's other configurations still remain pertinent to the Kono-Aharoni combination as it provides output configuration options to the many streams of video that the first two references would generate. Secondly, the Examiner notes that the use of case law isn't

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presented to establish the incorporation of the Washino's multiple image display on a single screen, but to establish that the replication of the image and parameter buffer pairs from a singly disclosed image and parameter buffer pair as in Kono for the multi-client platform of Aharoni is the duplication of parts for a multiplied effect, St. Regis Paper Co. v. Bemis Co., Inc., 193 USPQ 8, 11 (7th Cir. 1977). The rationale for the case law does not change just because the functionality of the client display device has changed. Multiple streams are still going to be provided to each client, and now, with Washino's video switcher, a single one of the multiply provided video streams makes it to the display screen under the purview of the user, one stream at a time. Accordingly, the Examiner maintains that the Kono-Aharoni-Washino combination would still address the features of the claims.

Secondly, the Applicants argue that previously presented and currently unamended claims 10-18, noticeably, independent claim 10, which recite "...said display engine separate from the parameter buffers..." features (Amendment of 1/08/09: page 9, lines 8-12) are not met by the currently pending Kono-Aharoni-Washino combination which forms the foundation of the pending rejection and bases this position upon a detailed analysis of corresponding elements (Amendment of 1/08/09: page 9, lines 13-32; page 10, lines 1-17). The Examiner respectfully disagrees. It is noted that the combination, as discussed by the Applicants does disclose the corresponding elements (i.e. the display engine and parameter buffers), but fails to disclose the specific spatial arrangement (i.e. being separate) as claimed. However, the Examiner notes that such a modification has also been readily established unpatentable by the courts as being well within the purview of one of ordinary skill in the art- that is to take something that is integral as one unit and make it separate wherein the new arrangement fails connote a significant and

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unexpected advantage to the overall invention by the separation, *Nerwin v. Erlichman*, 168 USPQ, 177, 179, (PTO Bd. Of Int. 1969). The Applicants' argument admits that the elements map to those that are recited in the claim under discussion, so the only alleged merit to the claims is this differing spatial configuration, which as discussed herein, is not patentable.

Lastly, with regards to newly added claims, 28-29, and the applicant's accompanying arguments against the references individually (Amendment of 1/08/09: page 10, lines 18-32; page 11, lines 1-12), one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

A detailed rejection of claims 1-9, and 27-29 follows.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 8-9, and 28-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Kono et al., (hereinafter referred to as "Kono") in view of Aharoni et al., (hereinafter referred to as "Aharoni"), and further in view of Washino et al., (hereinafter referred to as "Washino").

Kono discloses a system for displaying images on a display (Kono: figures 2-3), said system comprising: a decoder for decoding encoded images and parameters associated with the

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images, thereby resulting in decoded images and decoded parameters associated with the decoded images (Kono: column 2, lines 20-25); image buffers for storing the decoded images (Kono: column 2, lines 28-37); parameter buffers for storing the decoded parameters associated with the images (Kono: column 2, lines 55-62); and a display engine for receiving the decoded parameters from the parameter buffers and providing the decoded images for display using the decoded parameters stored in the parameter buffers (Kono: column 3, lines 20-30), as in claim 1. However, Kono fails to specifically disclose the use of a plurality of three image buffers and a corresponding plurality of three parameters buffers or being operative to display a single one of multiple images on a single display one at a time, as in claims 1 and 28. Aharoni discloses system for adaptive video/audio transport (Aharoni: figure 1) of compressed video files (Aharoni: column 8, lines 50-65) for display (Aharoni: column 11, lines 25-45) in order to caters to transmission and display requirements of multiple clients with varying resources (Aharoni: column 17, lines 1-17; column 18, lines 40-65). Accordingly, given this teaching, would have been obvious for one of ordinary skill in the art at the time of the invention to combine Kono system with the multi-client platform of Aharoni and provide a plurality of image buffers and associated parameter buffers of Kono with the various client service levels for Aharoni in order to for greater distribution of decoded images of a heterogeneous network (Aharoni: column 7, lines 20-45), as not only would this represent reasoning that logically flows from both teachings, but furthermore would represent nothing more than a the duplication of parts (i.e. image buffers and associated parameter buffers) for a multiplied effect over the primary Kono reference, a modification that the courts have long held as being readily within the purview of one of ordinary skill in the art and therefore unpatentable, St. Regis Paper Co. v. Bemis Co., Inc., 193

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USPQ 8, 11 (7th Cir. 1977). The Kono system, now modified with a plurality of image buffers and associated parameter buffers for implementation of the multi-client platform distribution system of Aharoni and in accordance with established legal precedence, has a majority of the features of the claim, but still fails to address the "...displaying a single one of multiple images on a single display one at a time..." as in claims 1 and 28. Washino discloses a video conferencing and mentoring system which discloses displaying a single one (Washino: column 6, lines 50-60: switcher to implement "...polling...") of multiple images (Washino: column 5, lines 50-67; column 6, lines 1-40) on a single display one at a time (Washino: column 5, lines 5-20) and further discloses its possible usage with MPEG compression/decompression techniques (Washino: column 7, lines 40-50) in order to allow for multiple video outputs to a single display such as multiple perspectives/versions of the same video signal (Washino: column 9, lines 60-67; column 10, lines 1-24). Accordingly, given this teaching, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate the teaching of Washino's displaying a single one of multiple images one at a time into Kono-Aharoni combination in order to allow for a display at its receiving end to display multiple images on that singular display such that different perspectives/versions of the same signal can be displayed thereon. The Kono system, now modified with a plurality of image buffers and associated parameter buffers for implementation of the multi-client platform distribution system of Aharoni and in accordance with established legal precedence and modified with the Washino teaching of a staggered display of one of a multiple of images on a singular display, has all of features of claims 1 and 28.

Regarding claim 8, the Kono system, now modified with a plurality of image buffers and associated parameter buffers for implementation of the multi-client platform distribution system

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of Aharoni and in accordance with established legal precedence and modified with the Washino teaching of a staggered display of one of a multiple of images on a singular display, discloses wherein the encoded images comprise compressed images (Kono: column 1, lines 20-40), as in the claim.

Regarding claim 9, the Kono system, now modified with a plurality of image buffers and associated parameter buffers for implementation of the multi-client platform distribution system of Aharoni and in accordance with established legal precedence and modified with the Washino teaching of a staggered display of one of a multiple of images on a singular display, discloses wherein the parameters are encoded with a variable length code, and wherein the decoder decodes the variable length code (Kono: column 4, lines 30-57: MPEG video decoder having a conventional structure inherently incorporates variable length decoding), as in the claim.

Regarding claim 18, the Kono system, now modified with a plurality of image buffers and associated parameter buffers for implementation of the multi-client platform distribution system of Aharoni and in accordance with established legal precedence and modified with the Washino teaching of a staggered display of one of a multiple of images on a singular display, discloses wherein the parameters are encoded with a variable length code, and wherein the decoder decodes the variable length code (Kono: column 4, lines 30-57: MPEG video decoder having a conventional structure inherently incorporates variable length decoding), as in the claim.

Regarding claim 29, the Kono system, now modified with a plurality of image buffers and associated parameter buffers for implementation of the multi-client platform distribution system of Aharoni and in accordance with established legal precedence and modified with the

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Washino teaching of a staggered display of one of a multiple of images on a singular display, discloses wherein the parameters associated with the first image are decoded during decompression of the first compressed image, wherein the parameters associated with the second image are decoded during decompression of the second compressed image, and wherein the parameters associated with the third image are decoded during decompression of the third compressed image (Aharoni: column 18, lines 45-67), as in the claim..

7. Claims 2-7, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kono et al., (hereinafter referred to as “Kono”) in view Aharoni and Washino as applied above to claim 1 and further in view of Wu.

The Kono system, now modified with a plurality of image buffers and associated parameter buffers for implementation of the multi-client platform distribution system of Aharoni and in accordance with established legal precedence and modified with the Washino teaching of a staggered display of one of a multiple of images on a singular display, discloses a majority of the features of claim 2, as has been discussed above regarding claim 1. However, the Kono-Aharoni-Washino combination fails to disclose wherein the encoded images and the parameters associated with the images form portions of data packets, as in the claims. Wu discloses a display master control for which incorporates an MPEG decoder (Wu: column 7, lines 40-56; column 6, lines 25-60) and further discloses the use of packetization (Wu: column 7, lines 35-50) in order to generate sub-pictures with on screen data (Wu: column 8, lines 8-25). Accordingly, given this teaching, it would have been obvious at the time of the invention to incorporate the teaching of Wu’s use of packetization into the Kono-Aharoni-Washino system in order to have the composite system be able to generate sub-pictures with on screen data. The Kono system, now

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modified with a plurality of image buffers and associated parameter buffers for implementation of the multi-client platform distribution system of Aharoni and in accordance with established legal precedence and with the Washino teaching of a staggered display of a single one of multiple images on a singular display one at a time and further incorporating the Wu packetization teaching, has all of the features of claim 2.

Regarding claim 3, the Kono system, now modified with a plurality of image buffers and associated parameter buffers for implementation of the multi-client platform distribution system of Aharoni and in accordance with established legal precedence and with the Washino teaching of a staggered display of a single one of multiple images on a singular display one at a time and further incorporating the Wu packetization teaching, has wherein the data packets comprise headers, wherein the headers comprise the parameters (Kono: column 17, lines 25-35), as in the claim.

Regarding claim 4, the Kono system, now modified with a plurality of image buffers and associated parameter buffers for implementation of the multi-client platform distribution system of Aharoni and in accordance with established legal precedence and with the Washino teaching of a staggered display of a single one of multiple images on a singular display one at a time and further incorporating the Wu packetization teaching, has the headers comprise picture layer headers (Kono: column 17, lines 25-35), as in the claim

Regarding claim 5, the Kono system, now modified with a plurality of image buffers and associated parameter buffers for implementation of the multi-client platform distribution system of Aharoni and in accordance with established legal precedence and with the Washino teaching of a staggered display of a single one of multiple images on a singular display one at a time and

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further incorporating the Wu packetization teaching, has wherein the headers comprise sequence layer headers (Kono: column 17, lines 25-35), as in the claim.

Regarding claim 6, the Kono system, now modified with a plurality of image buffers and associated parameter buffers for implementation of the multi-client platform distribution system of Aharoni and in accordance with established legal precedence and with the Washino teaching of a staggered display of a single one of multiple images on a singular display one at a time and further incorporating the Wu packetization teaching, has wherein the first headers comprise a portion of the parameters, and wherein the second headers comprise another portion of the parameters (Kono: column 17, lines 25-35; column 2, lines 3-15), as in the claim.

Regarding claim 7, the Kono system, now modified with a plurality of image buffers and associated parameter buffers for implementation of the multi-client platform distribution system of Aharoni and in accordance with established legal precedence and with the Washino teaching of a staggered display of a single one of multiple images on a singular display one at a time and further incorporating the Wu packetization teaching, has wherein the first headers comprise picture layer parameters and wherein the second headers comprise sequence layer parameters (Kono: column 2, lines 3-15), as in the claim.

The Kono system, now modified with a plurality of image buffers and associated parameter buffers for implementation of the multi-client platform distribution system of Aharoni and in accordance with established legal precedence and modified with the Washino teaching of a staggered display of one of a multiple of images on a singular display, discloses a majority of the features of claim 27, as has been discussed above regarding claim 1. However, the Kono-Aharoni-Washino combination fails to disclose that the wherein the decoded parameters include

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at least one parameters also includes a presentation time stamp, as in the claim. Wu discloses a display master control for which incorporates an MPEG decoder (Wu: column 7, lines 40-56; column 6, lines 25-60) and further discloses the use of packetization (Wu: column 7, lines 35-50) including the use of presentation time stamps (Wu: column 8, lines 55-65) in order to generate sub-pictures with on screen data (Wu: column 8, lines 8-25). Accordingly, given this teaching, it would have been obvious at the time of the invention to incorporate the teaching of Wu's use of packetization including presentation time stamps into the Kono-Aharoni-Washino system in order to have the composite system be able to generate sub-pictures with on screen data. The Kono system, now modified with a plurality of image buffers and associated parameter buffers for implementation of the multi-client platform distribution system of Aharoni and in accordance with established legal precedence and with the Washino teaching of a staggered display of a single one of multiple images on a singular display one at a time and further incorporating the Wu packetization teaching, has all of the features of claim 27.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy S. Rao whose telephone number is (571)-272-7337. The examiner can normally be reached on Monday-Friday 8 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571)-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andy S. Rao
Primary Examiner
Art Unit 2621

asr
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Primary Examiner, Art Unit 2621
April 12, 2009